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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISAIH STERLING and LISA STERLING,
Plaintiffs,

ANSWER

-against-

08CV02350(PAC)
Hon. Paul A. Crotty

THE CITY OF NEW YORK, POLICE
OFFICERS "JOHN DOE" 1-2, VENEZIANO
and MORANO and THE WARDEN OF THE
RIKERS ISLAND CORRECTIONAL FACILITY,
Defendants.

Insufficient information to form a belief - paragraphs #1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32.

Admits - paragraphs 11, 29.


AFFIRMATIVE DEFENSES

1. Statute of Limitations. This action is barred by the Statute of Limitations whether the theory of liability is negligence or malpractice or any other theory of liability.
2. Complaint does not state a cause of action.
3. Complaint does not state sufficient facts to state a cause of action.

COUNTERCLAIM

1. Rule 11 Sanctions
2. Attorney fees and costs

Dated: New York, New York
July 8, 2008

Respectfully,

Amelio P. Marino
Marino & Veneziano, Esqs.
163 West 71 Street
New York, NY 10023
(212)873-7297

Check Applicable Box

Attorney's Affirmation

has been compared by me with the original and found to be a true and complete copy.
state that I am
the attorney(s) of record for
action; I have read the foregoing
the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF *New York*

SS.:

The name signed must be printed beneath

W, the undersigned, being duly sworn, depose and say: I am

☐ Individual Verification

in the action; I have read the foregoing

Check Applicable Box

☐ Corporate Verification

and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

the
a

corporation and a party in the within action; I have read the foregoing and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on *July 9 2008*

JASMINE J. VALEN
Notary Public, State of New York
Reg. No. 04VA6132291

Qualified in New York County
Commission Expires Aug. 18, 2009

STATE OF NEW YORK, COUNTY OF *New York*

SS.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at *46 163 street 71st NY*

On

☒ Service By Mail
☐ Personal Service on Individual
☐ Service by Electronic Means
☐ Overnight Delivery Service

I served the within

Answer

by mailing a copy to each of the following persons at the last known address set forth after each name below.

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

*PAUL B. DALNOSKY - attorney
333 East 6 street
New York, NY 10003*

apt. #1N

Amelio P. Marino

AMELIO P. MARINO
Notary Public, State of New York
No. 02MA7716880
Qualified in New York County
Certificate Filed in New York County
Commission Expires June 30, 2010

Sworn to before me on

7/9/08

The name signed must be printed beneath